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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,347	10/12/2005	Johannes Matthys Strydom	15098NP	3457

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EXAMINER

LAM, THANH

ART UNIT	PAPER NUMBER
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2834

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,347

Applicant(s)

STRYDOM, JOHANNES
MATTHYS

Examiner

Thanh Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) 20,21,26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19,22-25,27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species A with figures 1 and 3, and claims 16-25,27,29-30 in the reply filed on 7/2/07 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

Claims 20-21 are withdrawn as being non-elected Species because it does not read on the elected Species A, figures 1 and 3.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terms "first housing" "second housing" as recited in claim 16.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first housing" "second housing" "the width of the housing" as recited in claim 16 "a ratio of radius to width of at least 2:1, 8:1" as recited in claims 23-24 "the same polarity" as recited in claims 20-21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. the first and second housing are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the phrases “either of the first or second housings is able to rotate with respect to the other housing” drawn into an alternative structure which housings are stationary and rotation. And “the magnets on either of the first or the second housing are electromagnets and wherein the electromagnets” magnets and electromagnets are distinct from each other; magnets do not require electrical input while the electromagnets do. For those reason above the claimed language drawn to indefinite and vague.

Base on the specification:

the term “first housing” treated as –inner housing rotatable with magnets --

“second housing” treated as –outer housing stationary with electromagnets --.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 16-19,22-25,27,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Henderson et al. (US 6606578).

Regarding claim 16, Henderson et al. disclose (see figure 1) a first housing having a radius which is greater than the width of the housing and having a plurality of

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magnets (24) located thereon; and a second housing having an opening therein in which the first housing (col. 2, Ins. 50-54) is at least partially located and having a plurality of magnets located thereon, wherein either of the first or second housings (col. 2, Ins. 50-54) is able to rotate with respect to the other housing; wherein the magnets on either of the first or the second housing are electromagnets (30) and wherein the electromagnets are energised simultaneously when the motor is in use so that the magnetic force of the magnets causes the one housing to rotate with respect to the other housing.

Regarding claim 17, Henderson et al. disclose (see figure 1) the plurality of magnets are located around a perimeter of the first and/or second housing.

Regarding claim 18, Henderson et al. disclose (see figure 1) the magnets located on the first housing are of alternating polarities.

Regarding claim 19, Henderson et al. disclose (see figure 1) the magnets located on the second housing are of alternating polarities.

Regarding claim 22, Henderson et al. disclose (see figure 1) the magnets which are not electromagnets are either permanent magnets or electromagnets.

Regarding claim 23, Henderson et al. disclose (see figure 1) the first housing has a ratio of radius to width of at least 2:1.

Regarding claim 24, Henderson et al. disclose (see figure 1) the first housing has a ratio of radius to width of at least 8:1.

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Regarding claim 25, Henderson et al. disclose (see figure 1) the angle of the forces acting between adjacent ones of the magnets on the first housing and the magnets on the second housing does not exceed 25 degrees.

Regarding claim 27, Henderson et al. disclose (see figure 1) both poles of the magnets on either the first or second housing act simultaneously on the magnets of the other housing.

Regarding claim 29, Henderson et al. disclose (see figure 1) the polarity of the electromagnets are alternated by a switching mechanism when the motor is in use.

Regarding claim 30, Henderson et al. disclose (see figure 1) there are the same number of magnets located on the first and second housings.

10. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Patarchi (US 6486582).

Regarding claim 16, (see figures 1-4) Patarchi discloses all the aspect of the claimed invention.

11. Claims 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopatinsky (US6194798).

Regarding claims 16-19, (see figures 1-4) Lopatinsky discloses all the aspect of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (571) 272-2026.

The examiner can normally be reached on tu-th 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh Lam
Primary Examiner
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